

**SUPREME COURT CALENDAR
LOS ANGELES SESSION
DECEMBER 5 and 6, 2001**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, 3rd Floor, North Tower, Los Angeles, California, on December 5 and 6, 2001.

WEDNESDAY, DECEMBER 5, 2001—9:00 A.M.

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| (1) | S095992 | Manduley v. Superior Court, County of San Diego; (People) |
| (2) | S092697 | Hess v. Ford Motor Company |
| (3) | S091421 | People v. McKay |

2:00 P.M.

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| (4) | S093476 | Correa v. Superior Court, County of Orange; (People) |
| (5) | S029384 | People v. Dannie Ray Hillhouse [<i>Automatic Appeal</i>] |

THURSDAY, DECEMBER 6, 2001—9:00 A.M.

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| (6) | S080284 | Keenan v. Superior Court, County of Los Angeles; (Sinatra) |
| (7) | S091757 | San Remo Hotel v. City and County of San Francisco |
| (8) | S092426 | People v. Avery |

-----GEORGE-----

Chief Justice

If exhibits are to be transmitted to this Court, counsel must comply with Rule 10(d), California Rules of Court.

**SUPREME COURT CALENDAR
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DECEMBER 5 and 6, 2001**

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

(1) Manduley v. Superior Court, County of San Diego; (People), S095992

#01-42 Manduley v. Superior Court, County of San Diego; (People), S095992. (D036356, D036456; 86 Cal.App.4th 1198.) Petition for review after the Court of Appeal granted petitions for peremptory writ of mandate. This case includes the issue whether the provisions of the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2000)) that amended Welfare and Institutions Code section 707 to give district attorneys discretion to file specified criminal charges against minors either in adult court or in juvenile court violate the doctrine of separation of powers.

(2) Hess v. Ford Motor Company, S092697

#00-154 Hess v. Ford Motor Company, S092697. (B125395.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case concerns (1) the circumstances under which a general settlement release that on its face extends to “all other persons” operates to relieve a nonsignatory tortfeasor of liability, and (2) whether a plaintiff who makes an offer to compromise which is rejected and then recovers a more favorable judgment is entitled (a) to prejudgment interest from the date of the offer until judgment is entered plus postjudgment interest until the judgment is satisfied on the aggregate amount of the judgment award and the prejudgment interest, or (b) simply to interest on the judgment from the date of the offer until the judgment is satisfied.

(3) People v. McKay, S091421

#00-145 People v. McKay, S091421. (B137511; 82 Cal.App.4th 1279.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The case concerns whether Vehicle Code section 40302(b) permits an officer to make a full custodial arrest of an individual who is stopped for a Vehicle Code violation that is punishable only by a fine if the individual fails to produce written evidence of identity.

2:00 P.M.

(4) Correa v. Superior Court, County of Orange; (People), S093476

#01-05 Correa v. Superior Court, County of Orange; (People), S093476. (G027265; 84 Cal.App.4th 631.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case concerns whether an investigating officer, who is permitted to give hearsay testimony at a preliminary examination (see Pen. Code, § 872(b)), can testify at the preliminary examination to out-of-court statements of a witness that were made to the officer through an interpreter, or whether such testimony constitutes multiple hearsay to which the officer may not testify at a preliminary examination.

(5) People v. Dannie Ray Hillhouse, S029384 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

THURSDAY, DECEMBER 6, 2001—9:00 A.M.

(6) Keenan v. Superior Court, County of Los Angeles; (Sinatra), S080284

#99-141 Keenan v. Superior Court, County of Los Angeles; (Sinatra), S080284. (B128379; 72 Cal.App.4th 681.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case includes the issue whether a statute that generally prohibits a convicted felon from receiving income from the sale of an expressive work that includes the story of his or her felony

violates the free speech clause of the state or federal Constitutions. (See Civ. Code, § 2225.)

(7) *San Remo Hotel v. City and County of San Francisco*, S091757

#00-159 *San Remo Hotel v. City and County of San Francisco*, S091757.

(A083530; 83 Cal.App.4th 239.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment in a civil action. This case concerns (1) whether a city's exaction of an in lieu fee to permit the conversion of residential hotel rooms to tourist hotel rooms is subject to heightened scrutiny review under *Nollan v. California Coastal Comm'n* (1987) 483 U.S. 825, *Dolan v. City of Tigard* (1994) 512 U.S. 374, and *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854, and (2) whether the hotel's rental of rooms to tourists qualifies as a prior legal nonconforming use under the terms of the city ordinance.

(8) *People v. Avery*, S092426

#01-02 *People v. Avery*, S092426. (A085733; 83 Cal.App.4th 997.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of a criminal offense. The court limited review to the issue of whether the intent to take property temporarily, but for so extended a period of time as to deprive the owner of a major portion of its value or enjoyment, satisfies the intent requirement of theft under California law.